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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

CASE NO. 3:10-md-2143 RS

**STIPULATION AND ~~[PROPOSED]~~
ORDER MODIFYING THE CLASS
CERTIFICATION BRIEFING SCHEDULE**

DATE ACTION FILED: Oct. 27, 2009

This document relates to:

ALL ACTIONS

1 WHEREAS, on April 15, 2013, this Court entered an Order Modifying Class Certification
 2 Schedule, which provided, among other things, that the deadline for filing Motions for Class
 3 Certification shall be May 29, 2013, the deadline for filing Oppositions to Motions for Class
 4 Certification shall be September 20, 2013, and the deadline for filing Reply Memoranda in
 5 support of Motions for Class Certification shall be November 20, 2013;¹

6 WHEREAS, the Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs filed their
 7 Motions for Class Certification on May 29, 2013, including a separate Choice of Law Analysis
 8 filed by the Indirect Purchaser Plaintiffs, and each set of Plaintiffs also served an expert
 9 declaration and/or report in connection with those motions;²

10 WHEREAS, on June 24, 2013, the Indirect Purchaser Plaintiffs filed an Errata to the
 11 declaration of their expert witness, Dr. Kenneth Flamm, and an accompanying [Corrected]
 12 Declaration of Dr. Kenneth Flamm in Support of Plaintiffs' Motion for Class Certification;³

13 WHEREAS, the backup data associated with the declaration and analysis of Dr. Flamm is
 14 voluminous – 77 gigabytes – and the parties worked cooperatively to identify and understand
 15 certain data disconnects in and difficulties translating the backup data underlying Dr. Flamm's
 16 report produced on June 3, 2013. Indirect Purchaser Plaintiffs responded to Defendants' requests
 17 to provide additional iterations of the backup data and did so on July 1, 2013 and July 15, 2013;

18 WHEREAS, the process of providing workable backup data to Defendants took longer
 19 than both parties expected;

20 WHEREAS, the parties have worked cooperatively in the scheduling of depositions
 21 associated with the filing of the class certification motion, including an extension of time to
 22 depose certain class representatives and both economists who provided declarations in support of
 23 plaintiffs' motions for class certification;⁴

24 WHEREAS, Defendants have requested that the Direct and Indirect Purchaser Plaintiffs
 25

26 ¹ Dkt No. 833.

27 ² Dkt. Nos. 878, 882, 883.

28 ³ Dkt. Nos. 921, 922.

⁴ Dkt. No. 955.

1 agree to a thirty day extension for the filing of Defendants' Oppositions, including any expert
2 reports to be filed therewith, to October 21, 2013;

3 WHEREAS, Direct and Indirect Purchaser Plaintiffs are agreeable to Defendants'
4 requested extension and Defendants agree to extend the date for Plaintiffs' separate replies in
5 support of their class certification motions to February 18, 2014;

6 WHEREAS, it is the parties' joint view that the additional time will allow all parties the
7 best opportunity to fully develop and clearly present their respective positions regarding class
8 certification, which will ultimately assist the Court in this matter;

9 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned
10 counsel for the parties, subject to Court approval, that:

11 (1) The deadline for Defendants to file their Oppositions, and any expert reports, in
12 response to (a) the Direct Purchaser Plaintiffs' Motion for Class Certification, (b) the Indirect
13 Purchaser Plaintiffs' Motion for Class Certification, and (c) the Indirect Purchaser Plaintiffs'
14 Choice of Law Analysis, shall be extended to October 21, 2013;

15 (2) The deadline for the Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs to
16 file their separate Reply Memoranda in support of their Motions for Class Certification shall be
17 extended to February 18, 2014.

18 IT IS SO STIPULATED.

19 DATED: August 20, 2013

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20
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25 *Acting as Liaison Counsel for Defendants*
26
27
28

DATED: August 20, 2013

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Interim Lead Counsel for Indirect Purchaser Plaintiffs

DATED: August 20, 2013

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Interim Lead Counsel for Direct Purchaser Class

1 **IT IS SO ORDERED.**

2
3 DATED: 8/21/13



HONORABLE RICHARD DEBORG
UNITED STATES DISTRICT COURT JUDGE